

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

JOHN R. BELASHEK,	:	Bankruptcy No. 19-24395-JAD
	:	
	:	
Debtor.	:	Chapter 7
	X	
KATHLEEN BARRETT, AS EXECUTRIX	:	
OF THE ESTATE OF WARREN R.	:	
CAPENOS,	:	
Movant,	:	
	:	
v.	:	Related To Doc. No. 14
	:	
JOHN R. BELASHEK,	:	
	:	
Respondent.	:	
	X	

**ORDER SETTING (A) DISCOVERY DEADLINES AND OTHER RELATED DATES AND
(B) EVIDENTIARY HEARING/TRIAL ON CONTESTED PROCEEDING**

AND NOW, this 7th day of January, **2020**, the Court **HEREBY ORDERS** that:

1. An **evidentiary hearing/trial** is scheduled for **Tuesday, May 19, 2020**, at **10:00 AM** in **Courtroom D, 54th Floor, U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219**. Two (2) hours have been set aside for this matter. The parties are encouraged to present direct testimony by way of affidavit if possible. To the extent a party elects to introduce direct testimony by way of affidavit or unsworn declaration pursuant to 28 U.S.C. § 1746, the parties are to confer prior to the scheduled trial date and resolve any and all evidentiary objections with respect to any affidavit or declaration to be submitted to the Court at trial. To the extent a party desires to cross-examine any witness testifying by way of affidavit or declaration, such witness providing an affidavit or declaration must be present at trial so that the opposing party may cross-examine the witness.

2. **Discovery** on this matter shall commence immediately, and **shall close March 9, 2020.**
3. At least fourteen (14) days prior to the evidentiary hearing set forth above, each party shall file proposed exhibits and hand deliver a courtesy copy of the same to the Court for use by the Court at the hearing. Such exhibits shall be pre-marked and shall be placed in a binder for ease of use at trial. At least fourteen (14) days prior to the trial date set forth above, and to the extent expert testimony is to be offered at trial, each party shall file their respective expert reports (including appraisals).
4. The parties shall meet and confer to discuss resolution of the case and simultaneously review and agree upon all other documents to be offered by each party, without objection at the evidentiary hearing. At least fourteen (14) days prior to the evidentiary hearing, counsel to the Movants shall prepare and file a Stipulation signed by all counsel of record identifying and referencing the agreed upon, marked exhibits to be offered at the evidentiary hearing, or alternatively, that no exhibits are to be used at the hearing, whichever the case may be. Included in the Stipulation shall be a statement detailing the extent, dates, times and narrative description of cooperation demonstrated by each party in preparing the Stipulation.
5. To the extent the parties agree to present their case upon stipulated facts and without live testimony, all or in part, the Stipulation to be filed and referred to in paragraph 4 above, shall also set forth all of the agreed upon facts to be relied upon by the Court in rendering its decision.

6. At least fourteen (14) days prior to the trial date, the parties shall file electronically with the Court, and serve on the other party, pre-trial memoranda which (a) identifies the material facts which are not in dispute, (b) identifies the material facts which the party intends to prove, (c) identifies and calculates the ultimate claim for relief (including claims and/or claims for damages) or any defenses thereto, and (d) identifies and discusses applicable legal authority upon which such party relies upon with respect to their respective claim for relief or defense.
7. To the extent the identity of any party is a shorthand name of a corporate entity, the parties are also directed to meet and confer to determine the proper name and identity of the party in this matter, and, if necessary, file a stipulation correcting the caption of this adversary proceeding or contested matter with the Court at least fourteen (14) days prior to the evidentiary hearing scheduled above.
8. The failure of any party to comply with the terms of this Order may result in the imposition of sanctions on said party, including without limitation, prohibition against such party from offering testimony at the evidentiary hearing and/or the entry of judgment against the offending party.

Date: January 7, 2020


JEFFERY A. DELLER mas
United States Bankruptcy Judge

CASE ADMINISTRATOR SHALL SERVE:

Zachary N. Gordon, Esquire
Gary H. Simone, Esquire
Lisa M. Swope, Esquire

FILED
1/7/20 12:47 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA